



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,303	12/28/2001	Akira Aoki	2755/59	9761

23838 7590 10/03/2005

KENYON & KENYON  
1500 K STREET NW  
SUITE 700  
WASHINGTON, DC 20005

EXAMINER

BURLESON, MICHAEL L

ART UNIT PAPER NUMBER

2626

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/034,303	<b>Applicant(s)</b> AOKI, AKIRA	
	<b>Examiner</b> Michael Burleson	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) were submitted on February 2, 2005 and February 10, 2005. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Double Patenting***

1. Claims 1-8 are rejected under the judicially created doctrine of double patenting over claims 1-4,7 and 8 of U. S. Patent No. 6919970 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Regarding claim 1, the color image transmission system between a pair of computer image processing systems A and B of an image of the present application reads on a method for calibrating color of an image which is transmitted from a computer image processing system A to a computer image processing system B of claim 1 of US 6919970.

Regarding claim 2, a method for calibrating color of a digital image in transmission between a pair of computer image processing systems A and B of the present application reads on a method for calibrating color of an image in transmission from a computer image processing system A to a computer image processing system B of claim 2 of US 6919970.

Regarding claim 3, a method for calibrating color of a digital image in transmission between a pair of computer image processing systems A and B of the present application reads on a method for calibrating color of an image in transmission from a computer image processing system A to a computer image processing system B of claim 3 of US 6919970.

Regarding claim 4, the method for calibrating color of a digital image in transmission between a pair of computer image processing systems A and B of the present application reads on a method for calibrating color of an image in transmission from a computer image processing system A to a computer image processing system B of claim 3 of US 6919970.

Regarding claim 5, the method of calibrating color of a digital image in transmission between systems A and B of the present application reads on the method for calibrating color of an image in transmission from computer image processing system A to a computer image processing system B of claim 7 of US 6919970.

Regarding claim 6, the method of calibrating color of a digital image transmission between systems A and B of the present application reads on a method for calibrating

Art Unit: 2626

color of an image in transmission from a computer image processing system A to a computer image processing system B of claim 8 of US 6919970.

Regarding claim 7, the method for calibrating color of a digital image transmitted between said systems A and B of the present application reads on a method for calibrating color of an image in transmission from a computer image processing system A to a computer image processing system B of claim 4 of US 6919970.

***Allowable Subject Matter***

2. Claims 1-8 would be allowable the double patenting rejection is overcome.

***Conclusion***

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

Michael Burleson  
Patent Examiner

